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Letter dated 3 July 2002 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

The Governing Council of the United Nations Compensation Commission commenced its forty-fourth session at Geneva on 18 June 2002. The session, which was scheduled to conclude on 20 June 2002, was extended until 2 July 2002 to allow the Council to continue its consideration of agenda item 9 (report and recommendations made by the D1 Panel of Commissioners concerning the thirteenth instalment of individual claims for damages above US$ 100,000 (category D claims)). Representatives of Kuwait, Iraq and Palestine addressed the Council during the opening plenary meeting. The statements of the delegations are being sent by mail with the original of this letter.

During the session the Council considered 10 reports and recommendations made by the Panels of Commissioners in the D, E1, E2, E3, E4, F3 and E/F categories of claims. The reports on category D claims concern the review of individual claims for damages above US$ 100,000; the reports on category E1 claims concern the review of oil sector claims; the report on category E2 claims concerns the review of claims filed on behalf of corporations and other business entities not incorporated in Kuwait; the report on category E3 claims concerns the review of non-Kuwaiti construction and engineering claims; the reports on category E4 claims concern the review of Kuwaiti corporate claims; the report on category F3 claims concerns the review of Kuwaiti Government claims; and the report on category E/F claims concerns the review of insurance claims submitted under category E. The Council approved all of the reports and recommendations by consensus. The annexed tables provide details of the amounts of compensation claimed in the reports and the amounts awarded by the Governing Council. The total amount awarded in all of the reports approved at the session is approximately US$ 4.9 billion.

The Governing Council considered the report of the Executive Secretary: summary of activities, and the addendum thereto, covering the period from 1 February to 30 April 2002. The report covers the processing of claims, the withdrawal of claims, and the payment of approved claims. The Council also discussed the implementation of its decision 124, concerning the provision of technical assistance to Iraq with respect to the environmental claims.

The Council discussed several issues relating to the processing and payment of claims, including the eighteenth report of the Executive Secretary pursuant to

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article 41 of the Provisional Rules for Claims Procedure, and approved corrections to certain category A and E claims.

The Council concluded its consideration of the proposed assistance of the United Nations Environment Programme (UNEP) to the Compensation Commission with respect to the environmental monitoring and assessment projects. The Council authorized the secretariat to enter into a memorandum of understanding with UNEP to provide scientific and technical assistance to the F4 Panel of Commissioners to evaluate and analyse results from the compensated environmental monitoring and assessment projects. The Council also approved the expenditure of funds in addition to the budget for the current biennium (2002-2003), in an amount not exceeding US$ 1 million per year for the biennium, to finance the assistance to be provided by UNEP.

The Council discussed the audit of the report and recommendations made by the Panel of Commissioners concerning the first instalment of F2 claims, the auditor's recommendation concerning the establishment of a new post for a second auditor, and the external auditor's recommendation regarding controls on the distribution of funds. The Council also had before it the draft report of the Board of Auditors to the General Assembly on the Compensation Commission and the secretariat's response to the draft report. The Council requested the secretariat to prepare an information note on these matters and referred the matter to a future informal meeting of the Working Group for its further consideration.

The Council continued its discussion of the issue of a records retention and disposal policy for the Compensation Commission in the light of a further information note prepared by the secretariat, and referred this matter to a future informal meeting of the Working Group for its further consideration.

The Council continued its consideration of the request of the Government of the Syrian Arab Republic that an issue relating to a category E corporate claim filed by the Government of Israel be brought to the Council's attention, in the light of an information note prepared by the secretariat on the issue. The Council referred this issue to a future informal meeting of the Working Group for its further consideration.

The Council considered the request of the delegation of Palestine, made at the opening plenary meeting, that the deadline for the late filing of claims previously authorized by the Governing Council be extended from 30 June 2002 to 30 September 2002. The Council decided that the filing deadline for the filing of Palestinian late claims should be extended until 30 September 2002, and requested the secretariat to notify the Palestinian Authority of this decision.

The Council considered and took note of the report of the Executive Secretary on the distribution of payments and transparency, and the return of undistributed funds, and requested the secretariat to continue to inform the Council of the reports of Governments and international organizations on the distribution of payments and the return of undistributed funds.

Finally, the Governing Council decided to hold its forty-fifth session from 1 to 3 October 2002.

To date, the Commission has awarded compensation of over US$ 42.6 billion, including the awards approved at the forty-fourth session, and over US$ 14.8 billion

of the amounts awarded have been made available to Governments and international organizations for distribution to successful claimants in all categories of claims. The payment of successful claims approved by the Council at the forty-fourth session will be made in the next round of payments, scheduled for 18 July 2002, in accordance with Governing Council decision 100.

(*Signed*) Sverre Bergh **Johansen**
President of the Governing Council

Annex I

Summary of recommendations

A. Report and recommendations made by the D2 Panel of Commissioners concerning part one of the twelfth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2002/10)

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Australia	2	-	208 996.92	14 076.38
Bolivia	-	1	373 702.43	nil
Brazil	1	-	6 507 000.00	5 338 991.22
Canada	4	2	1 572 738.30	452 467.15
Egypt	6	3	12 703 784.13	1 101 185.64
France	-	1	34 602.08	nil
Germany	1	-	141 277.49	56 944.78
Greece	1	-	224 367.00	14 596.36
India	60	15	57 729 689.02	6 637 529.01
Jordan	42	16	20 979 756.26	6 095 067.87
Kuwait	216	1	109 626 000.85	79 376 920.12
Lebanon	3	-	1 015 147.36	532 170.10
Pakistan	5	-	3 393 065.74	700 564.66
Sudan	1	-	74 394.46	23 224.91
Turkey	-	1	249 115.22	nil
United Kingdom	2	9	779 594.20	92 440.36
Yemen	2	-	2 029 548.65	261 920.02
Total	**346**	**49**	**217 642 780.10**	**100 698 098.58**

B. Report and recommendations made by the D1 Panel of Commissioners concerning the thirteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2002/20)

Country or international organization	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Australia	1	-	375 432.53	51 622.08
Canada	4	5	3 760 138.81	396 275.03
Egypt	2	5	11 993 397.55	50 351.61
France	1	2	1 825 907.12	64 790.33
Germany	2	-	509 907.81	22 153.43
Iceland	1	-	457 523.89	204 474.11
India	51	24	37 127 486.86	3 627 594.70

Country or international organization	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (US$)	Amount of compensation recommended (US$)
Israel	12	-	5 336 950.71	1 267 545.45
Italy	2	-	59 942.91	23 550.00
Jordan	27	11	38 365 173.28	3 569 233.86
Kuwait	370	13	197 170 800.76	133 816 710.34
Lebanon	2	1	446 483.91	220 032.54
Pakistan	4	-	5 187 667.34	477 387.69
Philippines	1	-	133 597.92	120 910.45
Portugal	1	-	449 162.63	34 597.09
Sudan	1	-	233 090.00	4 008.75
Syrian Arab Republic	5	2	9 336 233.43	737 526.58
Thailand	1	-	400 000.00	46 800.00
Turkey	2	-	16 793 886.60	200 013.30
United Kingdom	15	2	10 003 447.65	1 094 546.16
United States	12	4	4 987 754.63	1 388 544.15
Yemen	2	-	456 314.88	36 388.84
UNDP Egypt	1	-	130 496.54	60 000.00
UNDP Washington	1	-	111 310.70	65 723.67
UNRWA Gaza	2	-	385 564.01	151 444.47
Total	**523**	**69**	**346 037 672.47**	**147 732 224.63**

C. Report and recommendations made by the Panel of Commissioners concerning part one of the seventh instalment of E1 claims (S/AC.26/2002/12)

Country	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (US$)	Amount of compensation recommended (US$)
Kuwait	1	-	2 347 618 003	1 579 792 104

D. Report and recommendations made by the Panel of Commissioners concerning part two of the seventh instalment of E1 claims (S/AC.26/2002/13)

Country	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation claimed (US$)	Amount of compensation recommended (US$)
Japan	1	-	46 851 320	18 403 392
Kuwait	1	-	281 302 094	193 984 010
Saudi Arabia	-	8	354 168 076	nil
Total	**2**	**8**	**682 321 490**	**212 387 402**

E. Report and recommendations made by the Panel of Commissioners concerning the tenth instalment of E2 claims (S/AC.26/2002/14)

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Australia	1	-	1 645 536	18 743
Austria	1	2	997 446	8 332
Bahrain	1	-	676 084	42 168
Belgium	1	1	2 659 669	54 608
China	3	10	51 914 330	108 904
Cyprus	-	4	19 130 697	nil
Czech Republic	-	2	2 679 268	nil
Egypt	13	56	151 834 424	2 025 555
France	2	1	4 004 081	59 782
Germany	5	4	3 139 882	703 212
Greece	1	1	287 725	27 695
India	1	9	745 007	10 708
Italy	1	2	411 986	41 321
Japan	-	2	1 566 189	nil
Netherlands	5	5	1 249 943	205 265
Pakistan	-	2	357 057 211	nil
Saudi Arabia	-	2	887 651	nil
Singapore	2	2	104 822	44 513
Spain	1	1	481 207	47 963
Switzerland	2	-	713 449	296 471
Tunisia	-	2	1 154 269	nil
Turkey	6	4	2 860 876	901 224
United Arab Emirates	-	1	159 186	nil
United Kingdom	25	16	29 146 267	4 674 137
United States	-	1	4 576 951	nil
Total	**71**	**130**	**640 084 156**	**9 270 601**

F. Report and recommendations made by the Panel of Commissioners concerning the nineteenth instalment of E3 claims (S/AC.26/2002/15)

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
China	2	-	126 072 070	40 358 945
Croatia	1	-	1 799 011	11 071
Germany	1	4	401 660 006	24 596
India	4	3	294 590 612	832 725
Philippines	-	1	75 616 660	nil
The former Yugoslav Republic of Macedonia	1	-	44 315 501	55 912
United States	2	-	52 601 399	6 783 585
Total	**11**	**8**	**996 655 259**	**48 066 834**

G. Report and recommendations made by the Panel of Commissioners concerning the fifteenth instalment of E4 claims (S/AC.26/2002/16)

Country or submitting entity	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Kuwait	13	1	1 449 146 059	218 049 188
Gulf Investment Corporation G.S.C. (claim No. 4002422)	1	-	76 003 554	34 273 710
Total	**14**	**1**	**1 525 149 613**	**252 322 898**

H. Report and recommendations made by the Panel of Commissioners concerning the seventeenth instalment of E4 claims (S/AC.26/2002/17)

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Kuwait	20	-	566 318 346	154 718 071

I. Report and recommendations made by the Panel of Commissioners concerning part two of the third instalment of F3 claims (S/AC.26/2002/19)

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Kuwait	4	-	4 920 526 967	2 103 461 827

J. Report and recommendations made by the Panel of Commissioners concerning the second instalment of E/F claims (S/AC.26/2002/18)

Country or submitting entity	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Australia	1	1	673 266	9 410
Belgium	1	-	1 673 243	945 150
Egypt	1	1	5 686 155	2 380 876
France	2	1	20 521 641	12 097 594
Germany	3	2	30 894 146	14 116 610
India	1	-	16 048	10 578
Italy	1	-	933 124	477 120
Kuwait	1	-	228 443	152 468
Lebanon	1	-	1 115 319	630 101
Netherlands	1	1	145 920 530	6 300 653
Switzerland	2	-	13 916 507	7 865 939
United Arab Emirates	1	-	1 669 707	943 547
United Kingdom	3	3	370 312 739	192 597 102
United States	2	2	79 676 431	33 423 329
Arab War Risks Insurance Syndicate Administration Bureau Limited (claim No. 4002388)	-	1	2 050 000	nil
Total	**21**	**12**	**675 287 299**	**271 950 477**

Annex II

Documents before the Compensation Commission at its forty-fourth session

1. Report and recommendations made by the D2 Panel of Commissioners concerning part one of the twelfth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2002/10).
2. Decision concerning part one of the twelfth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.155 (2002)).
3. Report and recommendations made by the D1 Panel of Commissioners concerning the thirteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2002/20).
4. Decision concerning the thirteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.165 (2002)).
5. Report and recommendations made by the Panel of Commissioners concerning part one of the seventh instalment of E1 claims (S/AC.26/2002/12).
6. Decision concerning part one of the seventh instalment of E1 claims (S/AC.26/Dec.157 (2002)).
7. Report and recommendations made by the Panel of Commissioners concerning part two of the seventh instalment of E1 claims (S/AC.26/2002/13).
8. Decision concerning part two of the seventh instalment of E1 claims (S/AC.26/Dec.158 (2002)).
9. Report and recommendations made by the Panel of Commissioners concerning the tenth instalment of E2 claims (S/AC.26/2002/14).
10. Decision concerning the tenth instalment of E2 claims (S/AC.26/Dec.159 (2002)).
11. Report and recommendations made by the Panel of Commissioners concerning the nineteenth instalment of E3 claims (S/AC.26/2002/15).
12. Decision concerning the nineteenth instalment of E3 claims (S/AC.26/Dec.160 (2002)).
13. Report and recommendations made by the Panel of Commissioners concerning the fifteenth instalment of E4 claims (S/AC.26/2002/16).
14. Decision concerning the fifteenth instalment of E4 claims (S/AC.26/Dec.161 (2002)).
15. Report and recommendations made by the Panel of Commissioners concerning the seventeenth instalment of E4 claims (S/AC.26/2002/17).
16. Decision concerning the seventeenth instalment of E4 claims (S/AC.26/Dec.162 (2002)).
17. Report and recommendations made by the Panel of Commissioners concerning part two of the third instalment of F3 claims (S/AC.26/2002/19).

18. Decision concerning part two of the third instalment of F3 claims (S/AC.26/Dec.164 (2002)).

19. Report and recommendations made by the Panel of Commissioners concerning the second instalment of E/F claims (S/AC.26/2002/18).

20. Decision concerning the second instalment of E/F claims (S/AC.26/Dec.163 (2002)).

21. Eighteenth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/2002/11).

22. Decision concerning corrections of awards pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.156 (2002)).